

App F IX 4

Previous References
M 190-31 (1-2)

P
1933.
(Me)

File No 176-33
Serial Nos. 1-4

Later References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 4

Part B for December 33

SUBJECT.

Recovery of storage fees from Mr. M. N. Naganna
late Vice President of the Ankalgund Municipal Council

229) Mr D. L. Harman St
No 2 4332 dated 22-12-33

Approves of the D. L. proposal to drop the
matter in the circumstances stated

Rmr
6/4

Tel Address DEPCOM HASSAN

OFFICE OF THE DEPUTY COMMISSIONER
HASSAN DISTRICT

In reply please refer to No C. 354-31. L.S. 9 Encl Nil
--

Dated, Hassan, the 26th August 1933.

1001

FROM

M CHENNARAJ URS, Esq., B.A., LL.B.,
Deputy Commissioner, Hassan District

TO

H.V. RAMASWAMI, Esq., M.A., B.L.,
General Secretary to Government,
Bangalore.

29 AUG 1933
H
N
29/8

5098

With reference to correspondence ending with your letter No. L.8438 dated 26th June 1933, re the recovery of storage fees from Mr. M.N. Naganna of Arkalgud, I have the honor to state as follows -

In reply to this office letter No. C.354-31 dated 22nd February 1932, information as to the Criminal cases filed by and against Mr. Naganna was called for (Vide letter No. L.6480/Ml.190-31-2 dated 18-3-1932). The President, Arkalgud Municipal Council who was asked to furnish the details reported that Mr. Naganna had filed a complaint of theft against the Municipal employees, that the records connected with this case are not available, that a smuggling case had been instituted against Mr. Naganna in the Special Second Class Magistrate's Court at Holenarsipur, that while the case was pending, Mr. Naganna tendered an unqualified apology whereupon, the smuggling case against him was withdrawn under the orders of the then Deputy Commissioner, and that thereafter Mr. Naganna also withdrew the case filed by him against the Municipal employees. The Special Second Class Magistrate, Holenarsipur who was written to in the matter also replied, stating that the case against Mr. Naganna was withdrawn on 21st March 1931. The Amildar Magistrate, Arkalgud who was also asked to furnish the particulars replied stating that no case had been instituted against the Municipal employees in the Arkalgud

Bench Court during 30-31 and 31-32. The President Arkalgud Municipal Council having again been asked to furnish the particulars, he reported that Mr. Narayana Rao, who was then Special Officer at Arkalgud may be called upon to report the details of cases instituted against the Municipal Staff. Thereupon Mr. Narayana Rao who was working in the Hassan Town Municipality as Sanitary Inspector was called upon to furnish the information. He reported saying that he remembered a criminal case having been instituted by Mr. Naganna against the Municipal employees, but Mr. Naganna against whom the smuggling case had been instituted having consented to withdraw it, the smuggling case was withdrawn and that he is not aware of anything more.

As regards the recovery of the storage fees, I may state as follows -

The Council have resolved at their meeting held on 30th May 1931, that the recovery of the storage fees may be waived, as already reported in this office letter, dated 22nd Feby 32. The recovery of storage fees has perhaps to be made only in cases where the goods are deposited voluntarily by the parties and not in cases where the goods are seized and kept by the Municipal Council, and so, the case does not seem to be a fit one for interference under Sec. 174 of the Municipal Regulation of 1906. Moreover, Mr. Naganna has since died, and the question of recovering the amount from his heirs is not free from difficulties.

I am of opinion, therefore, that further action in this matter may be dropped.

I have the honor to be,
Your most obedient servant,
Gundara Rao
Deputy Commissioner,
Hassan District.

1 Env for Penne
A copy of recording is also being for confidential
as. AY
for
ACOB
please print & explain
circ. order not by

Serial
No

500. calling for a copy of the bylaws is
not as the same are not available
in the office.

6. 28/9/32

28/9/32

run

Mr D C Harrison Ditt

no c 354-31 D 28-X-33

forwards a copy of the action
bylaws of the Arakulput Municipality
Council.

The facts of the case are
contained in the Des report
dated 24.2.1932 (76p/V)

It is a case of smuggling of 32 tons
of K. oil by the late Mr. Nampuna
D.P. of the Arakulput minor mch.
So far back as 5-8-30.
The storage fees is stated to amount
to Rs 286/- for the period from 8-8-30
to 24.5.31 at Rs 0-0-6 per ton per day
while the value of the fins is stated to
be Rs 120/- (Acad. to the bylaws
the storage fees is 3 pils per ton per day
and it would amount accordingly to Rs 1423
only. But double this rate has been adopted under
the bylaws 177
The full be have resolved

on 30.5.31 that the recovery
of the storage fees may be waived.
The then D.C. (Mr. J. B. Holikar) held
the opinion that the bylaws should be
enforced at least as regards the full
recovery of storage fees for reasons
mentioned in the letter (Page V).

The present D.C. (Mr. Chennakrishna),
recommends for reasons given in his letter
dated 26.8.33 that for the matter in
the matter may be dropped.

The bylaws relating to the storage
fees & recovery are contained in
bylaws 16 to 19. It is a point for
consideration as to whether these bylaws
apply in this case at all. When once
a prosecution was launched in the court
for smuggling against the said individual,
the bylaws do not apply as the property
should have been produced before the
Magistrate for being dealt with according
to law ~~that does not~~ It is his opinion
whether this was done. If the bylaws
had been applied according to bylaws
no 18 & 19, the article should have
been sold & the realization dealt
with according to the bylaws.

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Serial
No

In the following reasons, the
opinion of the D. C. Wharman DT given
in his letter dated 26.8.1933 may
perhaps be accepted. —

(1) The ML be have resolved so far
back as 30.5.31—that is more than
2 years & 6 months ago. That the recovery
maybe waived

(2) That the man is dead

(3) That the application of the bylaws to
the case is doubtful, as when once
the case was taken to court, the provisions
of the Cr. Pro Code as to property should
have been applied.

if so, it is not clear from the reports whether
the fine was returned to the party & whether
the amount has been taken to demand
of it is not brought and demand the question is
not have been referred to govt, unless it has been
an audit objection. It is neither a case of
writing off nor remission.

In order, with reference to the type

for
31/11/33 AM

The above proposal to drop the matter
maybe accepted in the circumstances of the case

(Res. Secy)

22/11/33

22/11/33

18/11

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8 NOV 1933

File No

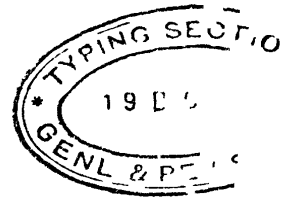
190

1980

195 of 1931

General and Revenue
Secretariat

Not recording already added in the file
ms 16/12/33 ✓
Done
for
16/12/33



The Dep. Secy. has
4332 of 22-12-33
approves the Dep. Secy's proposal to
delete the matter, in the cases stated

J
B
16/12/33

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

()

the 193

Date of issue 16/10/33

Signed by Mr A. Subba Rao

Section

File No

Serial No

No L. 2492

To Secy, Home Sl

Sir;

With reference to corresponding
letter of 16/10/33 no C-357-31/
furnishing you information
d.s.s. of 26-8-33 ~~relative to~~
the matter of recovery of
the storage fees ~~from~~ Mr. N.
Nayanna; later we per your
letter of 16/10/33, I am directed
to request you to be so good as to
forward for record copy of the
letter by return of post.

I have etc

List of enclosures

Copied by

Examined by

Extra

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, ~~16~~¹⁸th October 1933.

2492/Jul 190-31

From

The General Secretary to the Government of His Highness the Maharaja of Mysore
To

The Deputy Commissioner,
Hassan District.

Sir,

With reference to correspondence ending with your letter No.C.354-31/L.S.G. dated 26th August 1933 furnishing your opinion in the matter of recovering storage fees from Mr M.N.Naganna, late Vice President of the Arkalgud Municipal Council, I am directed to request you to be so good as to forward for reference a copy of the Octroi bye-laws of the Municipality

I have the honor to be,

Sir,

Your most obedient servant,

Asubba Rao

For General Secretary to Govt.

me

**PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE
MAHARAJA OF MYSORE.**

Read:-

Letter No.L.S.G.730-27 dated the 17th December 1927 from the Deputy Commissioner, Hassan District, forwarding for sanction a set of draft bye-laws framed under section 48(1)(k) of the Municipal Regulation VII of 1906 as amended from time to time by the Arkalgud Municipal Council, regulating the levy of Octroi in the Municipality.

Q R D E R No.L.3262-Ml 5-27-28. Dated, Bangalore, 27-1-1928

It is observed that the proposed imposition of fees on export passes contained in byelaw No.15 is unauthorised as previously intimated to the Deputy Commissioner in this office letter No.L 5025/Ml.55-21-216 dated the 11th January 1923 and that it should be granted free of charge

With the above modification the draft bye-laws are sanctioned. A copy of the sanctioned bye-laws is appended hereto for being printed both in English and Kannada and 6 printed copies thereof in English sent to this office for record.

(sd) 'M. Venkatesa Iyengar
For General Secretary to
Government.

No. R.DIS 730-27.

Office of the Deputy Commissioner,
Hassan District
Dated the 31st Jany 1928.

M E M O.

Copy of the above is forwarded to the Amildar President, Arkalgud Municipal Council. for information and needful action.

Twelve printed copies of each of the English and Kannada byelaws should be submitted in due course early for submission to Government.

(sd). R. Saraiengar,
For Deputy Commissioner,
Hassan District.

Ms E.M.M.

Me 176-33-3

OFFICE OF THE DEPUTY COMMISSIONER,
HASSAN DISTRICT

Dated, Hassan, the 23rd October 1933.

4-31.

No 2

LOM

M. Chennaraj Urs, Esq., B.A., LL.B.,

~~XXXXXXRAMAXXXXXXX~~

Deputy Commissioner, Hassan District

1980
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To

GENERAL SECRETARY
30 OCT 1933
No. 1 S-9
SIR,

H.V. Ramasvami, Esq., M.A., B.L.,
General Secretary to Government,
Bangalore.

As desired in your letter No.L.2492/M. 190-31 dated 16th October 1933, I have the honor to forward herewith a copy of the Octroi Bye-Laws of the Arkalgud Municipal Council.

I have the honor to be,
Sir,
Your most obedient servant,

[Signature]

For Deputy Commissioner,
Hassan District.

[Signature]
27/10

The following draft bye-laws relating to levy of Octroi duty on articles importedⁱⁿ to the Arkalgud Municipality under sec.48(1)(k) of the Municipal Regulation VI of 1906 are framed by the municipal council of Arkalgud, and sanctioned by Government in their order No.L 4262-ML 5-27-28 dated 27-1-1928.

1. The local limits for collection of octroi duty shall be municipal boundaries.
2. No articles liable to octroiduty shall be brought within the limits except by one of the roads described in the schedule here to annexed.
3. All persons bringing info or receiving from beyond the octroi limits of the town any such articles shall exhibit the same at the octroi office as to allow of its being duly inspected by the octroi staff
4. Every person bringing dutiable articles within the town shall report the fact at the municipal office within 3 hours of ^{his} ~~the~~ so doing
5. A table showing the octroi duty leviable on the various articles shall be exhibited at the municipal and octroi office in a conspicuous part thereof and copies shall be supplied without any charge to any person requiring the same.
6. Every person bringing dutiable articles shall forth with bring the taxable goods to the octroi office.
7. When the goods are brought to the octroi office, they may be unloaded, weighed or counted by the officer in charge of the office, in the octroi office upon ascertainment of the amount of octroi payable on the goods, the importers shall either pay the amount due and receive a permit for the remove of the goods showing the quantity or weight of the goods, the amount paid in respect thereof and the date of payment. In case the importer wishes to export the goods at once he shall do so only after obtaining a free export pass and subjecting the goods to the escort of an octroi subordinate.
8. With a view to the appraisement of the value of the goods when the tax is assessed or valued, the importer may be called upon to produce the invoice of the goods for the ~~ins-~~

inspection of the officer in charge of the octroi office, should he fail or refuse to produce the invoice, the value of the goods shall be assessed by the officer in charge of the octroi office at current rates and octroi levied accordingly.

BONDED WARE HOUSE.-

9. The municipal council shall provide a bonded ware house for the custody of goods which may be deposited under byelaw 7.

10 A bonded ware house shall be open for the transaction of business from 7 A.M. to 10 A.M. and 2 to 5 P.M. daily.

11. Any importer depositing goods in the bonded ware house shall unless the octroi kotwal has previous to weighing, counting, appraising, ascertained the amount of octroi payable thereon give a declaration in the appended schedule ii of the description, weight, quantity, if necessary, of the value of such goods.

12. A receipt in the form appended (schedule iii) shall be given by the officer in charge of the octroi koty for all goods deposited in the bonded ware house and a register of all such goods shall be maintained. It is the duty of the depositor to obtain a receipt for articles deposited by him and the octroi department is not responsible for any goods left at the premises and not covered by a receipt.

13. The receipt given by the octroi department for depositing goods should be returned before taking delivery of the articles to which it refers.

14. If the depositor himself does not take delivery of the articles deposited in the octroi office he must endorse on the receipt a request for delivery to the person to whom he wishes to be made and if the receipt is not produced, the delivery of the goods may, at the discretion of the officer in charge of the octroi office, be withheld until the person entitled in his opinion to receive the same.

15. Any person who has deposited goods in the bonded ware house may break bulk or change the packing thereof

thereof on application to the officer in charge of the ware house or may, on paying full duty thereon, import such goods into the town covered by a permit or may export such goods free, covered by an export pass subject to the escort of an octroi subordinate, provided that new packages covered by such pass shall if possible and before they are taken from the ware house be stamped by the officer in charge so as to show that they are under bond. The export pass shall be granted and a fee of one anna shall be charged for every packet provided that in the case of carts a fee of a two annas shall be every cart. 18

16. No goods shall be allowed to be exported from the octroi kotli unless the storage fee due thereon has been paid.

(i) Goods shall be allowed to remain in the bonded warehouse one day free of charge after the expiry of that period, rates as shown in the following schedule shall be charged for a week or portion thereof -

(a) Tobacco per bundle of any quantity	---	6	pies a
(b) Tender cocoanuts per bag	"	---	6 " day.
(c) Dry cocoanuts	"	---	6 "
(d) Sugar per bag	"	---	6 "
(e) Jaggery per bag	"	---	6 "
(f) Kerosine Oil per tin	*	---	3 " ✓
(g) Betel leaves for 1000.		---	3 "
(h) Piece goods per bundle		---	6 "

(ii) Excepting the day of import and export the other days shall be taken into account in fixing the date from which fees under each class shall be payable.

17. Double the rate will be charged for each day after the expiry of a week

18. All goods remaining uncharged and unclaimed for a longer period than 15 days shall be sold to the highest bidder in public auction provided that before selling such goods notice of the fact shall be posted for five days at the bonded ware house ^{and} at the municipal office, and provided that the goods shall be sold earlier when the storage fees are likely to exceed their value

19 When any goods are sold under byelaw 18, the sale proceeds shall be credited ~~to~~ to the municipal funds in payment of duty and storage fees ^{due} in respect thereof, provided that if the amount realised by the sale exceeds the amount so due, the balance shall be credited to the municipal funds under deposit for 3 months Any claims for such balance received after 3 months

14

shall be duly considered by the President.

20. Importers of dutiable articles shall be called upon by the President, Vice President, or by duly authorised subordinate account for such articles received by them by producing either a permit obtained in token of payment of octroi duty or export pass in proof of having exported the whole or part of the articles so received or otherwise. Any breach of this byelaw will render the importer liable to punishment with a fine extending to ten times the value of octroi on such goods or to Rs 25/- whichever ever may be more.

21. Any person importing or exporting dutiable articles who infringes any bye-law shall be liable to a fine not exceeding Rs 50/- before a Magistrate

SCHEDULE I.

- | | |
|------------------------|----------------------|
| 1. Kodlipet Road. | 4. Marur Road. |
| 2. Hassan Road. | 5. Ramanatapur Road. |
| 3. Hole-Narasipur Road | |

SCHEDULE II.

(See Byelaw No.11).

To, The Officer in Charge of Octroi Office, Arkalgud Town.
Please receive the undermentioned goods and deposit in the Koti.

Name of depositor.	Description of goods deposited	No. of packages or bales	Distinguish- ing marks	Weight Measurement MD. SR. FT. INCH.
		Quantity.	Value Rs as ps.	Remarks.
		*	*	*

I do hereby certify that I have satisfied that the entries are made by me above are correct and that I am fully aware of the provisions of the byelaws relating to deposit.

Date. Signature of depositor.

SCHEDULE III.
(See byelaw No.12).

Received the deposit ~~xxx~~ of the undermentioned goods from...

Receipt No.	Date.	Goods deposited (No.)	Name of article	Description	Remarks

To be printed overleaf.

Octroi Clerk.

Goods deposited has been duly received by the depositor.

Date

Signature

SCHEDULE IV
(Schedule of taxes, Arkalgud Town).

Sl. No.	Name of Tax	Amounts for which rates at which class leviable	Rate of duty	Exemptions.
1	OCTROI	Fresh cocoanuts each	1 pie	Personal luggage of
2		Dry Cocoanuts each	1 "	travellers, goods
3		Betel leaves, 100	1 "	bonafide property
4.		Jaggery per maund.	2 annas	of Government at
5.		Sugar "	4 "	the time of import
6		Kerosine Oil per tin.	2 "	discounts covered
7.		Tobacco per maund.	1 Rupee	by an invoice certi
8		Piece goods per rupee	3 pies	fied by the depart-
2x		" per 100	1 Pie 9 as	mental head con-
229		Sheep or goat (each	1 an 6 ps	cerned that the
		brought for sale)	1 an 6 ps	property
				therein mentioned
				belongs to Government

Goods which are declared not to be intended for the use of consumption within the municipal limits and are taken to the bonded ware house as provided in the byelaw provided that if such goods be not exported that shall pay the full duty.

Six green cocoanuts, Six dry cocoanuts, 100 betel leaves and one seer of tobacco of brought for personal consumption by bonafide travellers

Piece goods manufactured locally

(sd) B T Kempanna,
President,
Municipal Council,
Arkalgud

Copy
M. S. S. S.
President
Municipal Council
Arkalgud

26 7 20

SUBJECT

129

Diary No of letter replied to

Section *ml*

File No *176-33*
190526

Serial No. 4

General and Revenue Secretariat

()

the 193

Proceedings of the Government of,
His Highness the Maharaja of Mysore

Date of issue *22.12-1933*

Read—

Signed by *M. A. Subbappa Rao*

*correspondence ending with letter
no C 354-312, 15-8 of 20.8-33
from the Secy, Mysore. It is recommended
that the question of the recovery
of storage fees from Mr. M. N.
Naganna, late Secy. of the
for Mysore State
Mysore should be dropped
Order thereon—No
as he has since died, and
as the claim is not regular*

May this be—

- (i) printed ?
- (ii) treated as a standing order .
- (iii) published in the Gazette
English Part ?
- (iv) translated ?
- (v) placed at the disposal of the press ?
- (vi) published in the Gazette
Kannada Part ?

order no L 4332

of 22.12.33

*Recorded
Approved*

*Mysore Secy. Gen. Secy
17/12/33*

*Due to the absence of
(22.12.33)*

List of Enclosure

Copied by

Examined by

Life

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHA RAJA OF MYSORE

Read -

Correspondence ending with letter No. C. 354-31 L.S.G. dated 26th August 1933 from the Deputy Commissioner, Hassan District recommending that the question of the recovery of storage fees from Mr. M.N. Naganna, late Vice President of the Arkalgud Municipal Council may for reasons stated be dropped, as he has since died and as the claim is not regular.

Order No. *4332/MC 174-33-4*

Dated Bangalore 20th December 1933.

A P P R O V E D.

Asubba Rao

For General Secretary to Government.

To
The Deputy Commissioner, Hassan.

TSS.